

## **FBI Agent Arrested for Exceeding Authorization to Access Sensitive Information in FBI Database**

**March 18, 2009** — LEV L. DASSIN, the United States Attorney for the Southern District of New York, TERESA GULOTTA-POWERS, the Special Agent-in-Charge of the Miami Field Office of the Department of Justice Office of the Inspector General ("DOJ-OIG"), and JAMES E. TOMLINSON, the Special Agent-in-Charge of the New York Field Office of the DOJ-OIG, announced the arrest today of WILLIAM H. SHIRK III, a Special Agent of the Federal Bureau of Investigation ("FBI"), for repeatedly exceeding his authorization to access the FBI's Automated Case Support System ("ACS"), which contains confidential, law-enforcement sensitive information pertaining to both historic and on-going criminal investigations, between July 2006 and February 2007. SHIRK, 37, is expected to be presented in Manhattan federal court later today. According to a criminal Complaint unsealed today:

From July 2002 until January 2006, SHIRK was assigned to the FBI Office in Tucson, Arizona, where he was assigned to a public corruption investigation (the "Investigation") involving a U.S. Customs and Border Protection Inspector ("Customs Inspector"). SHIRK began working with a confidential informant ("Informant") in connection with the Investigation in December 2003 and stopped using the Informant as a source of information in July 2005. In February 2006, SHIRK was transferred to the FBI's New York Office, where he no longer had any investigative responsibilities relating to the Investigation.

In May 2006, because agents in the FBI's Tucson Office had learned that SHIRK might have communicated with a potential target ("Potential Target") of the Investigation, a supervisory agent in the FBI's Tucson Office specifically instructed SHIRK to have no further contact with the Potential Target and no further involvement in the Investigation. Nevertheless, SHIRK continued to contact the Potential Target as late as the Summer of 2006, and continued to have contact with the Informant.

ACS records show that on August 21, 2006, SHIRK's user login was used at the New York FBI Office to access ACS. The records reveal that SHIRK's user login viewed three FBI reports related to the Investigation, one FBI report pertaining to the Potential Target, and one FBI report about information that had been provided to the FBI's Miami office regarding the Informant's alleged involvement in ongoing crimes. SHIRK contacted the Informant and asked the Informant to call him back from a telephone number that the Informant did not usually use. SHIRK told the Informant that the FBI's Miami office had received information that the Informant was involved in narcotics trafficking and money laundering. SHIRK also told the Informant not to worry because SHIRK had taken care of the investigation.

SHIRK, of Easton, Pennsylvania, was charged with five counts of exceeding his authorization in using a computer to search for and obtain information belonging to a department and agency of the United States. Each count carries a maximum sentence of one year in prison and a fine of the greater of \$100,000, or twice the gross gain or loss from the offense.

Mr. DASSIN praised the investigative work of the DOJ-OIG.

This case is being prosecuted by the Office's Public Corruption Unit. Assistant United States Attorney LOYAAN A. EGAL is in charge of this prosecution.

The charges and allegations contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.